

Message Text

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ACTION IO-14

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E.O. 11652: GDS
TAGS: UNHRC, SHUM, CI
SUBJECT: 34TH HUMAN RIGHTS COMMISSION--HUMAN RIGHTS IN
CHILE, ITEM 5

REF: 1. GENEVA 2821, 2. STATE 48072, 3. STATE 42016

1. AT MEETING OF DRAFTING GROUP FEBRUARY 24 USREP
MADE A FURTHER ATTEMPT TO SECURE MODIFICATIONS PER REF
2. FOLLOWING MODEST CHANGES WERE AGREED UPON IN TEXT
AS TRANSMITTED REF 1:

(A) THE SEVENTH PREAMBULAR PARAGRAPH REWORDED AS
FOLLOWS: "ACKNOWLEDGING RECENT DEVELOPMENTS, WHICH
ACCORDING TO THE REPORT OF THE AD HOC WORKING GROUP
INDICATE A DECREASE IN THE NUMBER OF POLITICAL PRISONERS,
OF REPORTED CASES OF TORTURE AND OF DETAINEES UNDER THE
STATE OF SIEGE, AND ARE MAINLY ATTRIBUTABLE TO THE
EFFORTS OF THE CHILEAN PEOPLE AND THE INTERNATIONAL
COMMUNITY."

(B) IN THE EIGHTH PREAMBULAR PARAGRAPH THE WORD
"CONSTANT" DELETED SO THAT THE FIRST LINE NOW READS:
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"CONCLUDING THAT FLAGRANT VIOLATIONS OF HUMAN RIGHTS
NEVERTHELESS CONTINUE TO TAKE PLACE IN CHILE."

(C) IN THE FIRST OPERATIVE PARAGRAPH THE WORD
"SYSTEMATIC" BEFORE THE WORD "INTIMIDATION" HAS BEEN
DELETED.

2. THIS LATEST DRAFTING GROUP SESSION WAS THE LAST IN A ROUND OF INTENSIVE NEGOTIATIONS WHICH USREP MEZVINSKY HAS HAD WITH THE DRAFTING GROUP MEMBERS DURING THE PAST TWO WEEKS. ALTHOUGH MORE CHANGES WERE NOT MADE IN THE TEXT OF THE DRAFT RESOLUTION

USDEL NOTES THAT OUR EFFORTS THROUGHOUT THE NEGOTIATIONS HAVE RESULTED IN LANGUAGE MORE BALANCED IN TONE THAN WOULD OTHERWISE HAVE BEEN THE CASE. ADMITTEDLY ONE OF THE PROBLEMS WITH THIS RESOLUTION AS WITH MOST OTHER UN PROJECTS IS THAT IT HAS DEVELOPED A LIFE AND MOMENTUM OF ITS OWN AND IT IS HARD TO REVERSE THE DIRECTION ONCE IT IS SET. IT IS CLEAR THAT THE MAJORITY OF THE HRC ARE DETERMINED TO SUPPORT THE WORKING GROUP AS IT WAS ESTABLISHED IN 1975.

3. AS CONCERNS THE WORKING GROUP'S MANDATE, USDEL HAS DISCUSSED THE NEED FOR GREATER CLARITY IN THE MANDATE ON NUMEROUS OCCASIONS WITH BOTH STAFFERS OF THE HUMAN RIGHTS DIVISION AND MEMBERS OF THE DRAFTING GROUP. IT WAS GENERALLY FELT THAT TO ATTEMPT TO INTRODUCE LANGUAGE REDEFINING THE MANDATE IN ANY WAY IN THE CURRENT RESOLUTION WOULD NOT BE ACCEPTABLE EITHER TO THE WORKING GROUP MEMBERS OR TO THE COMMISSION AS A WHOLE.

4. OUR EFFORTS TO INTRODUCE LANGUAGE THAT WOULD HAVE ENABLED THE WORKING GROUP TO SEND ONLY PART OF ITS CONFIDENTIAL

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MEMBERS TO CHILE WITH THE AGREEMENT OF THE GOC FOUND FAVORABLE REACTION IN THE DRAFTING GROUP BUT ALLANA'S OPPOSITION REQUIRED THAT ANY REFERENCES IN THE RESOLUTION TEXT HAD TO MAINTAIN THE UNITY OF THE WHOLE GROUP.

5. UPON RECEIPT OF LANGUAGE IN REF 3 CONCERNING THE OAS GENERAL ASSEMBLY, USDEL URGED ITS INCLUSION AS A SEPARATE PREAMBULAR PARAGRAPH. WHEN WE CONCLUDED THAT THIS WOULD NOT BE ACCEPTABLE TO ALL MEMBERS OF THE DRAFTING GROUP, WE PROPOSED ALTERNATE LANGUAGE PROVIDING FOR TAKING NOTE OF THE THIRD REPORT OF THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS ON THE SITUATION OF HUMAN RIGHTS IN CHILE. WE DISCUSSED THIS LANGUAGE WITH MANY MEMBERS OF THE COMMISSION, INCLUDING THE LATIN AMERICAN MEMBERS, WHO EXPRESSED THEIR SUPPORT FOR ITS INCLUSION. WE ALSO SECURED THE SUPPORT OF THE UK AND SWEDEN AND ALL THE MEMBERS OF THE AD HOC WORKING GROUP BUT THE OPPOSITION OF CUBA AND YUGOSLAVIA PREVENTS ITS ACCEPTANCE BY THE DRAFTING GROUP. ON THIS POINT THE SWEDISH NEGOTIATOR AT ONE TIME PRIVATELY SUGGESTED TO MEMBER OF USDEL THAT CUBA BE DROPPED AS A CO-SPONSOR SO THAT THE IAHRC LANGUAGE MIGHT BE AGREED UPON. WE

UNDERSTAND THAT THIS IDEA WAS NOT PURSUED BECAUSE OF CONCERN THAT IF CUBA WERE TO BE DROPPED AS A CO-SPONSOR, CUBA WOULD TABLE A MUCH STRONGER RESOLUTION.

6. AS CONCERNS THE ESTABLISHMENT OF A VOLUNTARY FUND, USDEL HAS BEEN FACED WITH THE FACT THAT THE MEMBERS OF THE AD HOC WORKING GROUP REPRESENTED ON THE COMMISSION (ALLANA, DIEYE, AND ERMACORA) ARE IN FAVOR OF SUCH A FUND. IT IS ALSO CLEAR THAT THE FUND WILL BE WIDELY SUPPORTED BY THE COMMISSION AS A WHOLE. VANDEN HEUVEL

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